

BEFORE THE HONORABLE RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE
DISPOSITION
January 11, 2018

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P R O C E E D I N G S

THE CLERK: All rise.

(Whereupon, the Court entered the courtroom.)

THE CLERK: We are on the record in Case
No. 15cr10248, United States of America versus Quran Rowell.
Would counsel please identify themselves for the Court.

MS. FOLEY: Good morning, your Honor. Leah Foley
for the United States.

MR. SPENCER: Good morning, Judge. Gordon Spencer
on behalf of the defendant, Quran Rowell.

THE COURT: All right, I know counsel have reviewed
the presentence report.

The Probation Office calculates the Adjusted Offense
Level at 21 with a Criminal History Category of III.
Normally that would, I think, form a sentencing range of 46
to 57 months, if I recall. We do have, however, a mandatory
minimum sentence of 60 months, which also applies in the
case.

Mr. Spencer, the plea was conditional, was it not?

MR. SPENCER: Yes. On the motion to suppress
decision, yes.

THE COURT: All right. Can we begin then with the
government's position on the case.

MS. FOLEY: Yes, your Honor.

The government is recommending that the Court sentence

1 the defendant to 60 months and with a supervised release
2 period of five years.

3 The government is also asking that the Court consider
4 entering a stay-away order during the period of supervised
5 release for at least the first year of the supervised
6 release; the defendant be prohibited from associating with
7 any persons -- and I know this is probably a typical or
8 standard condition of supervised release, but that it be
9 imposed with specific emphasis on this defendant -- anybody
10 who has a prior criminal record, and that the defendant be
11 ordered to stay away from any Section 8 housing complex or
12 place where he is not residing.

13 It is a very depressing presentence report to read.
14 The defendant has been committing crimes since he was 13
15 years old, yet he reports having been raised by two parents
16 in what appears to be, you know, a close-knit family.

17 His siblings appear to have all adjusted well, but this
18 defendant, in particular, continues to have engagement in
19 criminal activity just continuously. And it's not always
20 just selling marijuana or selling drugs. He has some pretty
21 significant prior convictions and arrests for possessions of
22 firearms and armed robbery.

23 And when you look at this defendant's criminal history,
24 I don't believe Category III -- most people would think that
25 with this amount of arrests and this amount of convictions

1 and these charges, that Category III would be where you
2 would intuitively place this defendant.

3 THE COURT: Well, I think the first suggested
4 condition is a standard condition that goes without saying,
5 that he not associate with persons with felony convictions.

6 Why Section 8 housing? Is there --

7 MS. FOLEY: Well, it seems like, what was my
8 reading of this, he seems to go to areas where people
9 generally -- where crime is high, and where people prey on
10 drug users.

11 THE COURT: Well, I mean, you can phrase it as
12 "public housing," but "Section 8 housing" could be any
13 number of vouchers, public housing arrangements.

14 MS. FOLEY: That's fair.

15 THE COURT: It's a little difficult for the average
16 person to know whether somebody is Section 8 subsidized or
17 not.

18 MS. FOLEY: Fair enough. "Public housing."

19 And the government is not trying to cast aspersions on
20 the people who live in public housing. The government is
21 trying to protect those people from this defendant, who
22 seems to prey either on other drug dealers, vulnerable
23 people, anyone who he feels like he can victimize. And
24 considering the high rate of crimes that can be associated
25 with some of the public housing complexes, in Dorchester

1 especially, the government feels that this would not only
2 help protect the population who lives there, but also keep
3 this defendant from continuing to get into trouble.

4 And the government believes that the five-year term of
5 supervised release is warranted in this case because he's
6 never held a job. Never. He's 28 years old. And unless
7 there's some miraculous turnaround and unless Probation --
8 you know, they're very good at helping people get back on
9 track. It doesn't seem like he ever was on track. So I
10 think that Probation is going to have a huge, you know, task
11 working with this defendant upon his release. But, the
12 government, the defense, and Probation, and the Court, I
13 think, all believe that it is the goal to rehabilitate this
14 person when he gets out of jail and hopefully to prevent him
15 from preying on any more victims in the community.

16 THE COURT: Mr. Spencer.

17 MR. SPENCER: Judge, Mr. Rowell is in agreement
18 with respect to the amount of incarceration, that being the
19 minimum mandatory 60-month sentence. It's obvious that it's
20 higher than the actual Guideline Range by virtue of statute.
21 So I think we're in accord with respect to the number.

22 Mr. Rowell would respectfully ask the Court to impose a
23 period of supervised release of four years. This is a
24 matter that stems back from 2015. By the time that he is
25 released, it will be about 2020. If he's on a period of

1 supervised release and whatever conditions the Court deems
2 appropriate, I think that four years' supervised release,
3 based upon the factual circumstances of this case, would be
4 appropriate.

5 I would add that this didn't take place in public
6 housing. This didn't take place at a particular residence.
7 This didn't involve any crime of violence. This is simply a
8 motor vehicle stop where Mr. Rowell was found in possession
9 of narcotics, and, as a result, he's is going to be
10 sentenced for that.

11 The additional conditions, that being stay away -- and
12 I would just indicate I do recognize as a standard
13 conditions he's not to associate with felons. I would
14 indicate, and I would look for the Court's guidance, that he
15 does have a brother that he is pretty close with that, I do
16 believe, if I'm not mistaken, does, in fact, have felony
17 convictions on his record. And for him to be deprived of
18 the opportunity to spend time with his family -- I don't
19 believe he's ever been charged with a crime alongside of his
20 brother.

21 If the Court deems fit to have him not associate,
22 obviously, with Mr. Joseph Dyer or Mr. Mohammed Kaba, those
23 two individuals, to my understanding, also have felony
24 convictions, obviously he would have no issue with that.

25 And with respect to his record, Judge, I would submit

1 that, yes, from the age of 13 he has picked up a fair amount
2 of juvenile cases, but as an adult he hasn't picked up many
3 crimes of violence that I noted.

4 He does have -- one moment, your Honor. I'm sorry.

5 (Whereupon, the defendant and his counsel confer.)

6 MR. SPENCER: So I would just emphasize the fact
7 that what we have here, frankly, and not to minimize it, but
8 we do have a garden-variety drug offense in the sense that
9 there aren't any aggravating circumstances beyond the mere
10 possession. So I don't think any enhancement as far as
11 conditions -- surely he should be supervised, and surely he
12 must stay out of trouble, and surely he must try to get on
13 the right path, but I think anything beyond that would be
14 somewhat on the excessive side, given the factual
15 circumstances of this case.

16 THE COURT: Mr. Spencer, one thing that struck me
17 about reading the presentence report is that your client doe
18 not seem to have a history of drug involvement.

19 MR. SPENCER: That's correct.

20 You mean drug usage?

21 THE COURT: Drug usage personally.

22 MR. SPENCER: That's correct.

23 THE COURT: That is somewhat unusual under the
24 circumstances of the case.

25 MR. SPENCER: Understood.

1 THE COURT: So I do not think any special drug
2 treatment conditions are necessary.

3 MR. SPENCER: No, I don't think so.

4 THE COURT: Mr. Rowell, you have the right to
5 address the Court if you choose. It is not a requirement.
6 It is a right that you have.

7 THE DEFENDANT: Yes. Yes, I would like to.

8 THE COURT: Please.

9 THE DEFENDANT: I would like to apologize to the
10 Court for the -- and to my family for the crime that I have
11 committed.

12 I would like to thank my attorney, Gordon Spencer, for
13 the representation that he has provided me with and being
14 there for me for counseling through the whole course of this
15 time.

16 I would like to thank you, Honorable Judge Stearns, for
17 allowing my plea, because I know that that is not a
18 requirement.

19 And that's really it.

20 I just apologize for the crime that I have committed,
21 and I accept full responsibility as a man.

22 THE COURT: Well, I hope that the attorneys are
23 right, that actually Probation is going to be able to be of
24 some benefit to you in getting your life on track. Whether
25 it was on track or not on track, I don't know, but you

1 certainly, I think, will benefit ultimately from what the
2 Probation Office can offer.

3 THE DEFENDANT: I also know that the crime that I
4 have committed is a serious crime, and I understand, and I'm
5 very aware of that.

6 Through the course of my time, though, I have a few
7 convictions as a juvenile.

8 As an adult, this is only my second time -- third time,
9 I'm sorry, running in with the law. One of them was a
10 weed -- a marijuana charge, I'm sorry. But this is the --
11 that was vacated. But this is my only -- this is only my
12 third time as an adult. I'm 28 years old, and none of them
13 have ever been within no type of complex or no type of
14 Section 8 housing nowhere or nothing of that sort. Like
15 none of my charges were gang related or none of that.

16 THE COURT: Again, you could be redeemed, and you
17 can redeem yourself. You have several advantages in life.
18 You've got a family that's intact, which most defendants
19 where you're standing now do not have. You have no history
20 of substance abuse, which is a huge positive under the
21 circumstances. You're obviously intelligent and articulate.

22 You've got to begin making and taking advantage of the
23 assets that you do have.

24 You have a relationship, which is committed. You have
25 a child.

1 There are a lot of good things in your life, but the
2 bad things are the crimes; and that's something you can
3 actually do something about, but you're the one who is going
4 to have to do most of the doing.

5 But I don't see you as unredeemable. I think you have
6 a lot going for you if you take advantage of it.

7 Mr. Rowell, having considered the sentencing factors
8 enumerated at 18 United States Code Section 3553(a), it is
9 the judgment of the Court that you be committed to the
10 custody of the Bureau of Prisons for the mandatory minimum
11 term of 60 months.

12 The Court will make a judicial recommendation that you
13 participate in vocational training while in custody to
14 prepare you to enter the workforce upon release from
15 imprisonment.

16 Upon release from custody, you will be placed on
17 supervised release for a term of four years.

18 Within 72 hours of release from custody of the Bureau
19 of Prisons, you must report in person to the Probation
20 Office in the district to which you are released, which will
21 almost certainly be Massachusetts.

22 The Court will not impose a fine, as you clearly have
23 no financial ability to pay a fine at this time.

24 The Court will grant the motion for entry of the order
25 of forfeiture as filed by the government.

1 While on supervised release, you will comply with the
2 following terms and conditions:

3 You will not, of course, commit any federal, state, or
4 local crime.

5 You will not unlawfully possess a controlled substance.

6 You will refrain from any unlawful use of a controlled
7 substance.

8 You are required by law to submit to one drug test
9 within 15 days of release from custody and at least two
10 periodic drug tests thereafter, not to exceed 104 tests per
11 year, as the regulations otherwise mandate.

12 You must cooperate with the collection of a DNA sample
13 as directed by your probation officer.

14 You will comply with the standard conditions adopted by
15 the court. These are set out in United States Sentencing
16 Guideline Section 5D1.3(c), and they will be set forth in
17 writing in the judgment.

18 The Court will, as a condition of supervised release,
19 again require that you participate in a vocational services
20 training program as directed by the Probation Office. That
21 program may include job-readiness training and/or skills
22 development as perceived necessary.

23 You may be required to contribute to the cost of such
24 training based on your ability to pay or the availability of
25 a third-party payor.

1 It is further ordered that you pay to the United States
2 a special assessment of \$100. That will be due immediately.

3 I think in terms of the non-association, I do not think
4 Probation would enforce that condition with respect to your
5 brother. I do not think we do that --

6 PROBATION OFFICER: No, your Honor.

7 THE COURT: -- in terms of interfamilial
8 relationships. I do not think that need be a concern,
9 Mr. Spencer.

10 MR. SPENCER: Thank you.

11 THE COURT: I will order you to stay out of public
12 housing complexes in the Roxbury and Dorchester sections of
13 Boston.

14 Section 8 I think is just too, as I said, broad a term
15 and difficult. I wouldn't know what was Section 8 or what
16 wasn't, but I don't want you unnecessarily exposed to
17 anything that causes problems that you do not otherwise
18 need.

19 I know it is somewhat superfluous, given the fact that
20 there is going to be an appeal, because that was a condition
21 of the plea, but I still think we should give the advice of
22 the right of appeal.

23 THE CLERK: Please stand.

24 You have the right to file a Notice of Appeal in this
25 case. If you do wish to file a Notice of Appeal, you must

1 file it within 14 days from the date in which I enter the
2 Judgment. If you cannot afford an attorney to file the
3 appeal on your behalf, you may request me to do it, and I
4 will file it in the Clerk's Office for you.

5 THE COURT: All right, Mr. Rowell, I never know
6 whether my words will be taken seriously or not. Perhaps
7 you will take them seriously. Some people have, and they
8 really have turned their lives around. I hope you're going
9 to be one of them. But good luck.

10 THE DEFENDANT: Thank you.

11 MR. SPENCER: Thank you, Judge.

12 THE COURT: All rise.

13 THE CLERK: All rise.

14 (Proceedings adjourned.)
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C E R T I F I C A T E

I, James P. Gibbons, Official Court Reporter for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

/s/James P. Gibbons
James P. Gibbons

January 29, 2018

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